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Of Attorneys for Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re:

LEVEL 3 HOMES & DESIGN, LLC,

and

HEIRLOOM, INC,

Debtors.

Bankruptcy Case Nos.

20-30271-tmb11 (Lead Case)

20-30272-tmb11

Jointly Administered

MOTION TO SHORTEN TIME
REGARDING DEBTORS' MOTION TO
VOLUNTARILY DISMISS CASES

Debtors in Possession, Level 3 Homes & Design, LLC ("**Level 3**") and Heirloom, Inc. ("**Heirloom**") (together, the "**Debtors**"), by and through undersigned counsel and pursuant to Federal Rule of Bankruptcy Procedure 9006(c)(1), requests that the Court shorten the twenty-one day notice period related to Debtors' recently filed Emergency Motion to Dismiss Cases [ECF No. 92] (the "**Motion to Dismiss**"). In support of this Motion to Shorten Time, Debtors state and represent as follows:

BACKGROUND

1. January 27, 2020 (the "**Petition Date**"), Debtor Level 3 Homes & Design, LLC filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code, Case No. 20-

30271-tmb11 (the “*Level 3 Case*”).

2. That same day, Debtor Heirloom, Inc. filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code, Case No. 20-30272-tmb11.

3. On March 12, 2020, the Court entered an Order directing the joint administration of the two Debtors’ bankruptcy cases, and designated the Level 3 Case as the lead case in which the majority of documents and pleadings should be filed.

4. Debtors are operating their businesses and managing their affairs as debtors in possession pursuant to 11 U.S.C. §§ 1107 and 1108. No trustees, examiners or statutory committees have been appointed in either of the two cases.

5. Debtors filed their Motion to Dismiss on May 4, 2020, seeking dismissal of their cases so that they can pursue a CARES Act loan to pay for payroll costs.

6. Through this motion, Debtors request that the period for notice and opportunity to object to the Motion to Dismiss be shortened, so that the Motion to Dismiss may be heard on an expedited basis. A proposed order shortening time is attached hereto as **Exhibit 1**.

BASIS FOR RELIEF REQUESTED

7. Pursuant to Federal Rule of Bankruptcy Procedure 2002(a)(4), the Court generally may not hold a hearing on a motion to dismiss a chapter 11 case on less than twenty-one days’ notice. However, under Rule 9006(c)(1), the Court may shorten such required notice for cause. Debtor submits that cause exists in this case to shorten the required notice period so that the Court may hear this motion as soon as possible so that the Debtors may quickly take steps to access a forgivable CARES Act loan(s) pursuant to second phase of CARES Act funding. Specifically, the funding pool for CARES Act forgivable business loans is finite, and the Debtors

are very concerned that any delay in applying for a CARES Act forgivable loan could cause such loan to be denied or reduced due to inadequate funding.

8. Counsel for Debtors has conferred with the Office of the United States Trustee (the “*UST*”) regarding the Motion to Dismiss, and this Motion to Shorten Time. As of the filing of this motion, the UST did not have an answer about whether it would oppose the Motion to Dismiss or the Motion to Shorten Time.

WHEREFORE, the Debtors respectfully request the Court shorten the time period for a hearing and dismiss the above-referenced chapter 11 cases, and grant and further relief as the Court deems just and equitable.

DATED: May 4, 2020

MOTSCHENBACHER & BLATTNER LLP

/s/ Nicholas J. Henderson
Nicholas J. Henderson, OSB No. 074027
Of Attorneys for Debtor

EXHIBIT 1
PROPOSED ORDER

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:

LEVEL 3 HOMES & DESIGN, LLC,

and

HEIRLOOM, INC,

Debtors.

Bankruptcy Case Nos.

20-30271-tmb11 (Lead Case)

20-30272-tmb11

Jointly Administered

ORDER GRANTING DEBTORS' MOTION
TO SHORTEN TIME FOR MOTION TO
VOLUNTARILY DISMISS CASES

This matter came before the Court on the Motion to Shorten Time Regarding Debtors' Motion to Voluntarily Dismiss Cases [ECF No. ____] (the "**Motion**") filed by Debtors Level 3 Homes & Design, LLC and Heirloom, Inc. The Court, having reviewed the Motion and the supporting declarations, and being otherwise informed, hereby ORDERS as follows:

1. Debtor's MOTION is GRANTED;
2. Good cause exists to shorten the notice period set forth in Fed. R. Bankr. P. 2002(a), regarding Debtors' Motion to Voluntarily Dismiss Cases.

3. The Court shall set a hearing on Debtors' Motion to Dismiss for May 11, 2020, at 9:30 a.m. Counsel for Debtors shall send notice of the hearing to all parties in interest in accordance with applicable Local Bankruptcy Rules.

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Order Presented By:

Motschenbacher & Blattner LLP

/s/ Nicholas J. Henderson

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Portland, OR 97204

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Of Attorneys for Debtors

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing
**MOTION TO SHORTEN TIME REGARDING DEBTORS' MOTION TO
VOLUNTARILY DISMISS CASES** was provided to the following parties through the Court's
Case Management/Electronic Case File system:

- MATTHEW A ARBAUGH matt@arbaugh-law.com
- CONDE T COX conde@lawofficeofcondec Cox.com, trish@lawofficeofcondec Cox.com
- JOSEPH A FIELD joe@fieldjerger.com, jenny@fieldjerger.com
- HOWARD M LEVINE hlevine@sussmanshank.com,
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- MICHAEL H McGEAN mike@francishansen.com, brittany@francishansen.com
- RICHARD J PARKER rjp@pbl.net, wlt@pbl.net
- US Trustee, Portland USTPRegion18.PL.ECF@usdoj.gov

I further certify that on the date set forth below, a true and correct copy of the above-
described document was sent to the following parties via first class mail, postage prepaid:

- NONE

DATED: May 4, 2020

MOTSCHENBACHER & BLATTNER LLP

/s/ Nicholas J. Henderson
Nicholas J. Henderson, OSB No. 074027
Of Attorneys for Debtor